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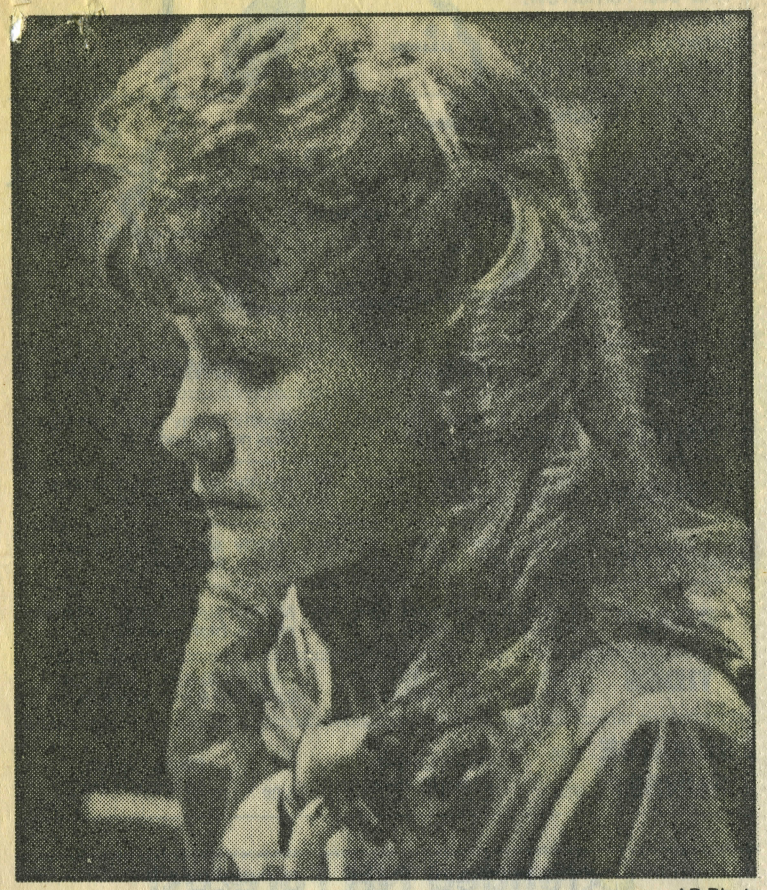

AP Photo

**PAMELA SMART is serving a life sentence without parole after being convicted of being an accomplice to the murder of her husband, Gregory.**

# *I, the Jury*

## Exeter Man Tells Why He Voted Pam Smart Guilty

**This account of the jury deliberations in the Pamela Smart trial was written by juror Alec Beckett for The Boston Globe.**

**By ALEC BECKETT**

**BOSTON** (AP) — For three weeks we were the only people in New England, and perhaps the country, not talking about the Pamela Smart murder case. But we were the only ones whose opinions really mattered. We were the members of the jury.

There were 15 of us originally selected to serve on the jury out of a pool of about 300. All we had in common was that Judge Douglas Gray, the prosecution and the defense attorneys agreed that somehow or other we had all managed to miss the media barrage that had been building around this crime.

I had just returned from traveling around the world for eight months after graduating from college when I received the innocuous-looking letter from the Rockingham County Clerk of Courts summoning me to jury duty. I filled out the form and went where they told me to go. In my initial interview before the court, the fact that I had been on another continent when the murder took place put me on the short list of potential jurors who knew absolutely nothing about Pamela Smart.

We met as a group for the first time on March 1 when the trial began. Never have I felt so much like a dog. We were told when to stand, when to sit; we waited for our food to be brought to us, and the bailiffs took us for walks. Over the next three weeks we came to learn a lot about each other and acquired the peculiar ability to talk about everything in the world — except the often disturbing, emotional and occasionally baffling story that unfolded before us.

So last Wednesday, after the closing statements were delivered and the judge had given us our charge and the three alternates were sent home, the seven women and five men who remained were brought back to the deliberation room, where we sat amid a strange silence.

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## GUILTY VERDICT

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Someone complimented the muffins someone had brought in that morning. Another juror said something about how tough it was to find a parking space because of all the press and TV trucks that had crushed into the lot that morning. And for the first time, Bucky, our bailiff, knocked on the door before bringing us fresh coffee.

More silence.

Finally, one female juror in her mid-40s with dyed black hair and an astonishing collection of big, gold jewelry, said, "I don't see why Pam would have left work in the middle of the day to give the boys a ride to Haverhill if she had just broken up with Bill Flynn two days earlier." The cork was out, and the room exploded with questions, comments and theories.

Someone would bring up a topic and we would all latch on. It felt so good to finally be able to compare impressions, doubts and opinions about all that we had seen and heard in the courtroom. A few attempts were made by our reluctant foreman to channel this enthusiasm in a productive direction, but too many of us had too many things we had to get off our chests before we could settle down to a logical, organized system of discussion.

So we wandered off happily on every tangent we could think of: Had the candlestick been used during the murder even though the boys denied it? Did Pam really love Bill? Did Pam have a legitimate reason to be at the meeting the night of the crime? Could Bill really have known the value of the life insurance policies before he killed Gregg?

There has been a lot of criticism that we jurors had had our minds made up for us by the media before we had even started deliberating. Not only is that wrong, but frankly, I find it insulting. Each of us promised the court that we would not watch TV or read any newspaper articles about the case, nor would we discuss it with anyone. So to say that we had been tainted by outside influences is to assume that we either lied to the court or were too stupid to turn off the TV when the news came on or to not read the newspapers.

I got the distinct feeling that I was not alone in treating our legal responsibilities seriously. One juror told us how his wife would intercept the morning paper and cut out every article relating to the case — often leaving him with little more than the sports and classifieds.

Another juror who was taking a night class in English at UNH said he asked his classmates to avoid the case as a subject for papers or discussion.

Although no juror really took a stand during that first day of deliberations, I had a sense nonetheless of where everyone was at, right from the start. There were three who were convinced of Pam's guilt: a young woman who made her position known early and often, a well-educated elderly man who patiently let the rest of us air out doubts while he simply said it was clear to him there was only one possible verdict, and a bearded 30-year-old whose accent revealed him to be a product of the same town and schools as the three juvenile killers we had heard testify, though he obviously ended up light-years beyond them in intelligence and morality.

On the other hand, there were three other jurors who came right out and said that they had far too many doubts to even contemplate a "guilty" vote: a young computer programmer who approached every issue with a sharp mind and was always ready to step into the devil's advocate role, our foreman who wanted to be stampeded by evidence before she could let herself believe such preposterous accusations, and a woman in her 30s who thought the defense had suggested plausible explanations for almost everything that had happened.

Personally, I really didn't know which way I would go. My general impression was that Pam was somehow involved, but my doubts were more than reasonable enough to merit a thorough review of the evidence.

That was where we stood at 5 p.m. last Wednesday when the judge came in and told us that we would be sequestered the next night if we hadn't come to a verdict. He also told us that we could continue on as late as we wanted, but we knew that the next day would be a long one, so we decided to break for the day.

We returned the next morning at 9 a.m., and several of us reported that sleep had not come easily the night before. For every piece of evidence there was doubt, for every witness there was a question of motive and credibility. In fact, for several of the jurors, the testimony of the three boys who did the actual killing and were the state's "star" witnesses was all but discounted because they so disliked them and what they had done. Even Bill Flynn — Pam's lover and the one who had admitted pulling the trigger — who was so emotional and, for many, so believable on the witness stand, was found so distasteful by at least four of the jurors that they would not consider anything he said as credible evidence against her.

But one of the older male jurors said that his mind had essentially been made up when he heard Bill testify that Pam had told him not to kill Gregg in front of the dog because "it would traumatize her." That, he said, has "the ring of truth to it."

Since the defense attorney in his closing statement had basically confessed for Pam to witness tampering, and the evidence on the tape was clearly undeniable, we decided to take a vote on that charge so we would start to feel like we were making progress.

The vote was unanimous, but there was clearly no such agreement on the other two charges — of conspiracy to commit murder and accomplice to first-degree murder.

The dynamics of our small democracy were fascinating. In attempting to reach a consensus, there was a fine line between talking too little and talking too much. One woman who was clearly trying to steer us toward a guilty verdict made intelligent and insightful comments, but found herself talking to no one because she wouldn't give up the floor. A couple of other jurors remained steadfastly silent in front of the whole group, but would heat up as soon as some diversion split us into smaller groups of two or three. One of the men took to disagreeing with everything; apparently under the impression that that was

*"I hope Clint Eastwood plays me in the movie."*

Judge Douglas Gray

what would make it a fair trial.

One thing we all agreed on was that the tapes deserved our complete attention.

These tapes were of the conversations between Pam and her friend Cecelia Pierce. The most damaging ones were the two in July when Cecelia was wearing a body wire. Some of the exchanges were inane (Cecelia talking about her Uncle Buddy who had been "killed to death" when a log him in the head "until his brains came out"), and Pam's language was atrocious, leading one of us to comment: "I think we have no choice but to find her (expletive) guilty."

That morning, we went through every second of those tapes several times. When asked about the tapes Pam had testified that she had been trying to extract information from Cecelia about what had happened to her husband while trying to prevent her from going to the police so that her affair with Bill would remain secret.

This defense, which sounded conceivable in a vacuum, could hold no water when we started to compare that claim with what we heard on the tapes.

We looked hard to find examples — and we gave her every benefit of the doubt — but they simply were not there. Slowly, the doubts that several jurors had as a result of the inconsistencies and alternatives that the defense had pointed out in the tapes were simply overwhelmed by the sound of the defendant subtly, not so subtly, incriminating herself.

We could find only one honest explanation for statements like, "If you tell the (expletive) truth . . . you'll send me to the slammer for the rest of my (expletive) life" and "if it comes to that, I'll admit to the affair, but I'll never admit to having anything to do with the murder. Then it will just be J.R.'s (Vance Lattime Jr.) 16-year-old, in-the-slammer-for-life word against mine. No jury will convict me on that."

After this, I asked, "Is there anyone here who thinks Pam didn't know about the murder of her husband before it happened?"

In the silence that followed, we looked around the room at each other and knew that we had just taken the first and most difficult step to finding Pamela Smart guilty.

Around noon the bailiffs brought our lunch in, and we were all thankful that we wouldn't be at the mercy of the same sub shop for much longer.

Afterward, they took us for a few laps around the building, and it was here that we started to feel the pressure of the world awaiting us. The parking lot looked like NASA ground control, bristling with satellite dishes and microwave trucks. There were cameras set up all over, and reporters scurrying around trying to find someone who wasn't a reporter to interview.

Back in our stale room, we started rehashing details that were still nagging some of us. Someone wanted to know if Bill had been lying about getting money from Pam to buy the bullets, and if so, why? Another juror didn't know what to make of Gregg's friend Brian corroborating some of Pam's explanation of her incriminating behavior on the tapes. And one juror wondered if the testimony of the woman to whom Cecelia had mentioned that she "had a friend named Pam who wanted to have her husband killed" was by itself enough to find Pam guilty.

Everyone needed to be convinced at his or her own level and speed. Once while listening to the tapes, we reached a point where Cecelia said something like, "and you had your husband killed," and Pam responded, "Yeah, well everything would have been fine if Ralph hadn't not told." We stopped the tape there, and let the implications of the statement sink in. Then one of the older women, who I had noticed did not always seem to follow what was going on, picked up on our pregnant pause and said darkly, "Ah . . . that was a double negative!" In the end, she came to the same conclusion the rest of us did.

By 3 p.m. on that second day of deliberations, I knew that a consensus had essentially been reached. But two of the women and one of the men would not commit to anything until they had "slept on it."

To those for whom the decision had been cut and dried, this seemed self-indulgent, since it would cost the taxpayers several thousand dollars to feed and house us while we were sequestered just so that a few of us would feel a little better about our verdict. But one of the women had been waiting for someone to mutter just such a protest, and when it happened, she snapped self-righteously, "Do you have anything better to do?"

So we were herded into a police van and whisked off to a motel on Route 1 in Hampton where we each got our own room with a TV and a telephone — both of which had been disconnected. To compensate for the fact that we were essentially being held prisoner, we took advantage of our expense account status and made dinner a veritable feast. Word was passed on to us by one of the sheriffs that the judge had OK'd two drinks per juror, though the state wouldn't pick up the tab for alcohol.

The novelty of the situation made dinner a festive affair, but the tension and concentration expended that day took its toll — and by 10 p.m. there were only two of us still awake watching television under the supervision of the sheriff.

That night the evidence kept playing through my dreams as if it were on an endless loop of film.

We met again for breakfast, but our conversation was more muted and appetites less enthusiastic than the night before as we anticipated the verdict. The van returned us to the courthouse, and we silently followed the familiar maze back to our deliberation room. Some instinct led us all back to the exact seats we'd been in the last two days, but there was a new feeling in the room. Those who had "slept on it" were ready to take the step they had been dreading, while those who had made up their minds already saw that the end was in sight.

There were still a few doubts people wanted addressed. Though we had yet to take a vote on either the conspiracy or the accomplice charge, we all knew where we were going, and each of us wanted to be reassured that we were doing the right thing. We all stalled. We decided to wait until lunch, though only one of us was able to eat. Then several of us wanted to take a walk.

Finally, there was nothing left to do but vote. Fist was "conspiracy to commit first-degree murder." There was no talking as our foreman tallied the votes, nor was there any surprise when she said, "Twelve votes guilty." The result was the same on the first ballot on "accomplice to first-degree murder."

The juror who had said the least during deliberations suddenly spoke up and asked if everyone could live with their vote. We all said, "Yes." He asked if we needed more time, and everyone shook their heads no.

So the foreman walked to the buzzer that called the sheriff and pushed it. When he arrived, she handed him the note with our verdict on it. He opened it and said, "Don't say anything more to me than a simple 'Yes' or 'No.' Were these unanimous decisions on all three counts?" When she said, "Yes," he told us that there would be a 15- to 20-minute wait as they tried to move the mob outside into the courtroom with minimal casualties.

Once the verdict was on its way to the judge, I had a horribly helpless feeling that there was no turning back now. At the same time, you could feel the relief from everyone that it was over. While we waited, we talked about how unfair it was that the three boys, who in my opinion are vicious, amoral monsters, got to cut a sweet deal with the attorney general, and that Cecelia Pierce not only got off scot-free, but stands to make $100,000 when they make this sordid affair into a movie.

But we had done all that we could do to bring justice out of this tragedy, and I said, "Should I ever find myself on trial, I hope I get us as a jury." Everyone agreed, except someone who said, "Well, you won't because I'm never doing this again."

We filed back into the courtroom as we had dozens of times before, but now all eyes were on us, and there was a charge in the air unlike any I have felt before.

Before we were told to be seated, I glanced over at Pam. Her face was set tensely, as it had been for most of the trial, with only her eyes, and her hands skittering over the table, betraying her nervousness.

With a virtual tidal wave of press looming behind her, her entire town despising her, the state having humiliated her for the world to see and the Smart family waiting with sadistic anticipation for a guilty verdict, it practically broke my heart to see that in Pam's eyes, we were the only ones left who had not turned against her. Seconds later, the verdict was read and she was all alone.

Our justice system is based on the principle that 12 people can take on a responsibility that truly and finally rests only in God's hands. Even when divided 12 ways, that is a heavy burden to bear. When we returned to the deliberation room, several of the women were crying, everyone who smoked was smoking, one woman was struggling to get the cap off her aspirin bottle, one of the men was staring at the floor and pacing, and I was trying to convince my hands to stop shaking.

A bailiff asked us to wait because Judge Gray wanted to talk to us. Even without his black robes on, he was an intimidating man — tall, stern, with a perpetual frown on his face. He closed the door behind him, and said, "Juries always asked me how I would have decided a case, but I'm not going to tell you. Suffice it to say I thank you for your diligence and attention, I think you did an outstanding job, and I think justice was served. You can all sleep well tonight."

He told us to expect a press blitz and that if we felt we were being harassed we should feel free to call the sheriff's office. He obviously found the media's feeding frenzy distasteful, but as he left, he couldn't help cracking, "I hope Clint Eastwood plays me in the movie."

That night, for the first time in a long while, I slept well.